

1 ALBERT G. STOLL, JR. SBN 164649
2 ALBERT G. STOLL, JR. | A LAW CORPORATION
3 55 FRANCISCO STREET, SUITE 403
4 SAN FRANCISCO, CA 94133
5 PHONE 415-576-1500
6 FAX 415-576-1501
7 ATTORNEY FOR PLAINTIFFS AND COUNTER-
8 DEFENDANTS JONATHAN NICHOLAS and
9 MARIE NICHOLAS

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 JONATHAN NICHOLAS and MARIE
18 NICHOLAS,

19 Plaintiffs,

20 vs.

21 THE EQUITABLE LIFE ASSURANCE
22 SOCIETY OF THE UNITED STATES; AXA
23 EQUITABLE LIFE INSURANCE
24 COMPANY; THE EQUITABLE OF
25 COLORADO, INC.; GOBIN CHATANI.

26 Defendants.

27 CASE NO.: C05-04398-CRB

28 STIPULATED DISMISSAL OF
COMPLAINT AND COUNTERCLAIM
FOR DECLARATORY RELIEF

[FRCP Rule 41(A)(1)(ii)]

Complaint Filed: 10/8/2005

29 AXA EQUITABLE LIFE INSURANCE
30 COMPANY, AXA LIFE AND ANNUITY
31 COMPANY

32 Counter-claimants,

33 vs.

34 JONATHAN NICHOLAS and MARIE
35 NICHOLAS,

36 Counter-defendants.

ALL PARTIES to this action stipulate to dismiss JONATHAN NICHOLAS and MARIE NICHOLAS' complaint filed on October 8, 2005 and the Counterclaim for Declaratory relief filed by AXA EQUITABLE LIFE INSURANCE COMPANY and AXA LIFE AND ANNUITY COMPANY on January 17, 2006. This stipulated dismissal is being done without prejudice and with a mutual waiver of costs.

RESPECTFULLY SUBMITTED,

BARGER & WOLEN LLP

Dated: March 21, 2006

By: _____ /s/
J. Russell Stedman
William Lee
Attorneys for Defendants
AXA EQUITABLE LIFE INSURANCE
COMPANY and AXA LIFE AND ANNUITY
COMPANY

Dated: March 22, 2006

ALBERT G. STOLL, JR.
A LAW CORPORATION

By: _____ /s/
Albert G. Stoll, Jr.
Attorneys for Plaintiffs
JONATHAN NICHOLAS AND MARIE
NICHOLAS

March 24, 2006

